

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY jl D.C.

05 JUL -7 PM 3:47

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

LUTRICIA BARNETT BUCKLEY, as)
Administratrix of the Estate of DENVEY)
BUCKLEY, for the use and benefit of)
KATRINA LATRICE BUCKLEY and)
NICOLE MARIA BUCKLEY, as Next of Kin)
and Heirs at law of DENVEY BUCKLEY,)
deceased,)

Plaintiffs,)

v.)

CITY OF MEMPHIS, THE CITY OF)
MEMPHIS POLICE DIVISION, OFFICER)
PHILLIP PENNY, OFFICER KURTIS)
SCHILK, OFFICER ROBERT G.)
TEBBETTS, individually and in their)
Representative Capacities as City of Memphis)
Police Division Officers.)

Defendant.)

No. 03-2874-DP
MAGISTRATE JUDGE TU PHAM

ORDER TO SHOW CAUSE

On the basis of the Affidavit of Thomas L. Parker, Esquire, sworn to on June 16, 2005, and on the exhibits attached to and incorporated by reference in that affidavit, from which affidavit and exhibits it appears that Khary Earnest failed to appear for his deposition on December 15, 2004, at 165 Madison Ave., 20th floor, Memphis, TN in the City of Memphis, Shelby County, Tennessee, although he was served on December 7, 2004, with a subpoena to appear for that deposition and had actual knowledge of it; now, therefore,

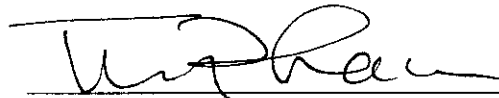
IT IS ORDERED that Khary Earnest show cause before this court on July 28, 2005 at 2:00 ~~a.m.~~ p.m. or as soon afterwards as the matter may be heard, at the Clifford

Davis Federal Building at 167 North Main Street, City of Memphis, Shelby County, Tennessee, why he should not be punished for civil contempt of court for his failure to appear as described above, in that it appears that the rights and remedies of Lutricia Buckley, plaintiff in the action mentioned in the affidavit described above, were impaired.

It is further ordered that Khary Earnest show cause why Lutricia Buckley, plaintiff, should not have any other remedial relief that the court may deem necessary including possible confinement until he complies with the above-mentioned subpoena.

Sufficient cause appearing from the affidavit on which this order is granted, service of this order and the attached affidavit on Khary Earnest on or before July 14, 2005, shall be deemed sufficient.

DONE AND ORDERED this 7 day of July, 2005.

A handwritten signature in black ink, appearing to read 'J. Tu Pham', is written over a horizontal line.

THE HONORABLE J. TU PHAM
UNITED STATES MAGISTRATE JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 177 in case 2:03-CV-02874 was distributed by fax, mail, or direct printing on July 12, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT